



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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| JOHN M. FREEMAN | : | |
| | : | |
| Complainant | : | |
| | : | |
| v. | : | CASE NO. M-0650 |
| | : | |
| TOWN OF DERRY | : | DECISION NO. 91-90 |
| | : | |
| Respondent | : | |

APPEARANCES

Representing John M. Freeman:

Susan Carbon, Esq., Counsel

Representing Town of Derry:

Mark Broth, Esq., Counsel

Also appearing:

Harry Gale, Consultant
Matthew Upton, Esq.
John Freeman
Jack Dowd, Mayor
Ray Walker

DECISION AND ORDER

After hearing the testimony at the hearing held on November 14, 1991, at the offices of the PELRB in Concord, New Hampshire, the Board unanimously determined that:

1. Respondent, Town of Derry eliminated the position of Department Head of the Code Enforcement Department on or about March 28, 1991.
2. From April 20, 1987 until his termination on or about March 28, 1991, Complainant was the Department Head of the Code Enforcement Department.
3. Respondents' actions in eliminating the aforesaid position followed receipt of a consultant's report which recommended the consolidation of the Planning, Zoning, Code Enforcement, Economic Development, and Building and Health Inspection functions under a newly created position of Director of

Development which eliminated several department head positions, including Complainant's.

4. There was no evidence of any nexus or retaliation linking the Complainant's activities as a member of and activist in the Town's Professional and Technical Employees' (P.A.T.E.) bargaining unit to the Respondent's decision to reorganize which then resulted in the elimination of the Department Head position in the Code Enforcement Department.
5. The complaint should be and hereby is, DISMISSED.

Signed this 21st day of November, 1991.



JACK BUCKLEY
Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding. Also present and voting were members Seymour Osman and E. Vincent Hall.